

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1115

Introduced by Assembly Member Salas

February 27, 2015

An act to amend Section 21373 of, and to add Section 91.6 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1115, as amended, Salas. ~~State highways: litter cleanup and abatement. School zones: traffic control devices: state highways.~~

Existing law generally provides that the Department of Transportation and local authorities have authority over the highways under their respective jurisdictions. Existing law requires the department and local authorities to establish and promulgate warrants to be used as guidelines for the placement of traffic control devices near schools for the purpose of protecting students going to and from school. Existing law authorizes the governing board of any school district to request the applicable state or local authority to install traffic control devices in accordance with those warrants, and thereafter requires the state or local authority to undertake an engineering and traffic survey to determine whether the requested crossing protection meets the established warrants. Existing law provides that the school district may be required to pay for not more than 50% of the engineering and traffic survey, but requires the applicable state or local authority to install the requested crossing protection at its expense if the traffic survey determines that the protection is warranted.

Existing law establishes a prima facie speed limit of 25 miles per hour during specified periods of time on a highway near a school building or school grounds if the highway is posted with standard school warning signs. Existing law also authorizes local authorities, by ordinance, to implement lower speed limits under specified circumstances, but requires approval of the ordinance by the Department of Transportation if the lower speed limit is to apply to a state highway and also requires the local authority to reimburse the department in certain cases for all costs incurred in this regard.

This bill would authorize the governing board of a city, county, city and county, or school district, by ordinance, to designate a school zone within its geographic jurisdiction on a state highway, other than a freeway, if the state highway is within 1,000 feet of the grounds of a school, and to specify in the ordinance the applicable speed limit that shall apply within the school zone. The designation of a school zone pursuant to this section may be made regardless of the previously posted speed limits on the state highway or the presence of a fence, gate, or other physical barrier separating the state highway from the school grounds. The bill, upon approval of the ordinance, would require the city, county, city and county, or school district to notify the Department of Transportation, which, consistent with the ordinance, would be required to post appropriate speed limit signs and standard school warning signs for the school zone.

This bill would also authorize the governing board of a city, county, city and county, or school district, with respect to a state highway, other than a freeway, within its geographic jurisdiction, to request the Department of Transportation to install traffic control devices within a school zone designated by the bill, and to specify the types of traffic control devices requested. The bill would require the Department of Transportation, at its expense, to install the requested traffic control devices within 180 days of receiving the request.

~~Existing law provides that the Department of Transportation shall have full possession and control of all state highways and associated property. Existing law requires the department to maintain the state highways and, within its maintenance programs relating to litter cleanup and abatement, to assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas. Existing law authorizes the department to use litter traps in drains and any other effective technology in carrying out these responsibilities.~~

~~This bill would instead require the department to use litter traps in drains and any other effective technology in carrying out these responsibilities.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 21371 is added to the Vehicle Code, to*
2 *read:*

3 21371. (a) *Notwithstanding any other provision of law, the*
4 *governing board of a city, county, city and county, or school district*
5 *may, by ordinance, designate a school zone within its geographic*
6 *jurisdiction on a state highway, other than a freeway, within 1,000*
7 *feet of the grounds of a school, and may specify in the ordinance*
8 *the applicable speed limit that shall apply within the school zone.*
9 *The designation of a school zone pursuant to this section may be*
10 *made regardless of the previously posted speed limits on the state*
11 *highway or the presence of a fence, gate, or other physical barrier*
12 *separating the state highway from the school grounds.*

13 (b) *Upon approval of the ordinance, the city, county, city and*
14 *county, or school district shall notify the Department of*
15 *Transportation, which, consistent with the ordinance, shall post*
16 *appropriate speed limit signs and standard school warning signs*
17 *for the school zone.*

18 *SEC. 2. Section 21373 of the Vehicle Code is amended to read:*

19 21373. (a) *The governing board of any school district may*
20 *request the appropriate city, county, or city and county*~~*or state*~~
21 ~~*agency*~~ *to install traffic control devices in accordance with the*
22 *warrants established pursuant to Section 21372. Within 90 days*
23 *thereafter, the city, county, or city and county*~~*or state agency*~~
24 *involved shall undertake an engineering and traffic survey to*
25 *determine whether the requested crossing protection meets the*
26 *warrants established pursuant to Section 21372. The city, county,*
27 ~~*or city and county, or state agency*~~ *involved may require the*
28 *requesting school district to pay an amount not to exceed 50 percent*
29 *of the cost of the survey. If it is determined that*~~*such*~~ *the requested*
30 *protection is warranted, it shall be installed by the city, county, or*
31 ~~*city and county or state agency*~~ *involved.*

(b) Notwithstanding any other provision of law, the governing board of any city, county, city and county, or school district, with respect to state highways, other than freeways, within its geographic jurisdiction, may request the Department of Transportation to install traffic control devices within school zones designated pursuant to Section 21371, and may specify the type of traffic control devices requested. The Department of Transportation, at its expense, shall install the requested traffic control devices within 180 days of receiving the request.

SECTION 1. ~~Section 91.6 of the Streets and Highways Code is amended to read:~~

~~91.6. The department shall, within its maintenance programs relating to litter cleanup and abatement, assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas. The department shall use litter traps in drains and any other effective technology in carrying out these responsibilities.~~